

**CHAPTER 13 [OLD]**  
**CONDUCT OF PRIMARY ELECTIONS**

**REPEALED.** L 1970, c 26, §3.

**CHAPTER 13 [NEW]**  
**BOARD OF EDUCATION**

Section

13-1 Board members; number

13-1.1 Reapportionment

13-2 Qualifications

13-3 Election of members

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**§13-1 Board members; number.** (a) The board of education shall consist of thirteen members who shall be elected by the registered voters of two at-large school board districts as follows:

First school board district: the island of Oahu, comprised of the 11th through the 48th and a portion of the 49th (that portion found on the island of Oahu) representative districts, and the

Second school board district: the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai, and Niihau, comprised of the 1st through the 10th, a portion of the 49th (that portion found on the island of Kauai), and the 50th and 51st representative districts.

(b) Ten members shall be elected at-large from the first school board district. Of the ten members elected at-large from that district, one shall be a resident of the third departmental school district (Honolulu), one shall be a resident of the fourth departmental school district (Central Oahu), one shall be a resident of the fifth departmental school district (Leeward Oahu), and one shall be a resident of the sixth departmental school district (Windward Oahu).

(c) Three members shall be elected at-large from the second school board district. Of the three members elected at-large from that district, one shall be a resident of the first departmental school district (Hawaii), one shall be a resident of the second departmental school district (Maui), and one shall be a resident of the seventh departmental school district (Kauai).

(d) The departmental school districts shall be as follows:

First departmental school district (Hawaii): the island of Hawaii comprised of the 1st through the 5th and a portion of the 6th (that portion found on the island of Hawaii) representative districts;

Second departmental school district (Maui): the islands of Maui, Molokai (including the county of Kalawao), Lanai, and Kahoolawe comprised of a portion of the 6th (that portion found on the island of Maui) and the 7th through the 10th representative districts;

Third departmental school district (Honolulu): that portion of the island of Oahu comprised of the 21st through the 41st representative districts;

Fourth departmental school district (Central Oahu): that portion of the island of Oahu comprised of the 11th through the 14th and the 45th representative districts;

Fifth departmental school district (Leeward Oahu): that portion of the island of Oahu comprised of the 42nd through the 44th, the 46th through the 48th and a portion of the 49th (that portion found on the island of Oahu) representative districts;

Sixth departmental school district (Windward Oahu): that portion of the island of Oahu comprised of the 15th through the 20th representative districts; and

Seventh departmental school district (Kauai): the islands of Kauai and Niihau comprised of a portion of the 49th (that portion found on the island of Kauai) and the 50th and 51st representative districts. [L 1970, c 26, pt of §2; am L 1979, c 125, §1(1); am L 1990, c 258, §2]

Cross References

Constitutional provision, see Const. Art. X, §2.

Other provisions for board of education, see chapter 296.

#### Attorney General Opinions

Board is malapportioned. Att. Gen. Op. 70-5.

**[§13-1.1] Reapportionment.** Upon the implementation of a new apportionment plan, the chief election officer, by proclamation issued no later than the tenth day prior to the close of filing in elections, shall designate the representative districts that comprise the departmental school districts and the school board districts described in section 13-1 to comply with the new districting scheme of such plan; provided that the departmental school districts designated shall cover areas similar to those described in section 13-1. [L 1984, c 63, §1]

**§13-2 Qualifications.** No person shall be eligible for election or appointment to the board of education unless the person is a registered voter of the school board district from which the person is to be elected or appointed and, where residency in a particular departmental school district is a requirement, a resident of the departmental school district for which seat the person is seeking election or appointment. No member of the board shall hold or be a candidate for any other public office under the state or county governments in accordance with Article II, section 7 of the Constitution of the State; nor shall a person be eligible for election or appointment to the board of education if that person is also a candidate for any other public office under the state or county governments. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers, or officers of emergency organizations for civilian defense or disaster relief. [L 1970, c 26, pt of §2; am L 1972, c 77, §6; am L 1979, c 125, §2; am L 1980, c 138, §2; am L 1981, c 82, §3; gen ch 1985]

#### Attorney General Opinions

Member may hold other public positions not constituting "public offices"; public office, general definition of. Att. Gen. Op. 70-20.

**§13-3 Election of members.** (a) Members of the board of education shall be nominated at a primary election and elected at the general election. Except as otherwise provided by this chapter, the candidates for the board of education shall be elected in the manner prescribed by this title.

(1) Nomination papers, preparation of. The chief election officer shall prepare nomination papers in such a manner that a candidate desiring to file for election to the board of education shall be able to specify whether the candidate is seeking a seat requiring residency in a particular departmental school district or a seat without such residency requirement.

(2) Ballot. The school board ballot shall be prepared in such a manner as to afford every voter eligible to vote in a school board district race the opportunity to vote for each and every candidate seeking election from that school board district.

The school board ballot shall contain the names of all board candidates arranged alphabetically in a nonpartisan manner; provided that the names of candidates seeking seats requiring residency in a particular departmental school district shall be grouped alphabetically according to departmental school districts.

(3) Primary election. Two candidates receiving the most votes for each available seat shall be nominated for the general election. If, after the close of filing of nomination papers, there are only two qualified candidates for any seat requiring residency in a particular departmental school district, the chief election officer shall declare those two candidates duly nominated for the general election. The names of those two candidates shall not appear on the primary election ballot.

(4) General election. Each voter in the general election shall be entitled to receive the school board ballot and to vote for the number of seats available in the respective school board districts.

(b) In the event that there is only one qualified candidate for any seat requiring residency in a particular departmental school district, after the close of filing of nomination papers, the chief election officer shall declare such candidate to be duly and legally elected. In the event that the number of qualified candidates for seats without such residency requirement is equal to or less than the number of such seats to be filled, after the close of filing of nomination papers, the chief election officer shall declare such candidates to be duly and legally elected. [L 1970, c 26, pt of §2; am L 1973, c 217, §3; am L 1979, c 125, §1(3); am L 1980, c 264, §3(a); gen ch 1985; am L 1990, c 212, §2; am L 1996, c 38, §1]

**§13-4 [OLD] REPEALED.** L 1979, c 125, §1(4).

**§13-4 Board members; term, vacancies.** (a) The term of office of members of the board shall be for four years beginning on the day of the special election held in conjunction with the general election of the year in which they are elected and ending on the day of the special election held in conjunction with the second general election after their election, except as provided in subsection (c). Members of the board may be re-elected without restriction as to the number of terms.

(b) Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled in accordance with section 17-6.

(c) Members of the board elected at the special election held in conjunction with the general election in 1984 shall be divided into two classes. There shall be seven members in the first class who shall hold office for a term of four years beginning with their election and ending on the day of the special election held in conjunction with the second general election after their election. The remaining members shall comprise the second class and shall hold office for a term of two years beginning with their election and ending on the day of the special election held in conjunction with the next general election after their election, and then members of the second class shall be elected to four year terms.

Membership in the first class shall consist of: three members who are elected with the highest number of votes from the first school board district as designated under section 13-1, who are not required to reside in any particular departmental school district and one member elected from each odd-numbered departmental school district. Membership of the second class shall consist of the remaining elected school board members. [L 1970, c 26, pt of §2; HRS §13-5; am and ren L 1979, c 125, §1(5); am L 1980, c 264, §3(b); am L 1984, c 136, §1]

#### Attorney General Opinions

When board of education members can assume official duties. Att. Gen. Op. 86-21.

#### **§13-5 Board members; term, vacancies.**

#### Note

This section, renumbered as §13-4 by L 1979, c 125, §1(5), should not have been printed in the main volume.